

1 Julio Mayen
2 15335 Castle Peak Lane
3 Jamul, CA 91935
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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 **JULIO MAYEN**
12 Plaintiff,

Case No. 13-cv-2080-MMA

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15 vs.

**PLANTIFF'S AFFIDAVIT IN
SUPPORT OF PLAINTIFF'S NOTICE
OF MOTION AND MOTION FOR
RECONSIDERATION**

16 **BANK OF AMERICA, N.A. AND**
17 ~~FIRST~~ **Recontrust Company N.A.**
18 Defendants,

DEMAND FOR JURY TRIAL

19 Date: March 31, 2014
20 Time: 2:30p.m.
21 Place: Courtroom 3a
22 Judge: Michael M. Anello
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PLAINTIFF'S AFFIDAVIT

NOW COMES the Affiant/Plaintiff, Julio Mayen, who is over the age of 21 years, competent to testify, with first-hand knowledge and declares as follows under penalty of perjury regarding Case No. 13-cv-2080-MMA ; JULIO MAYEN v. BANK OF AMERICA, N.A. and RECONTRUST COMPANY, N.A.:

1. Plaintiff, Julio Mayen, hereby submits this Affidavit in Support of Plaintiff's Motion for reconsideration
2. That Affiant/Plaintiff is of the age of majority, of sound mind and competent to testify.
3. That Affiant/Plaintiff is domiciled in the nation/state of California, a member of the Constitution of the United States.
4. That Affiant/Plaintiff on September 5, 2013 I filed a complaint seeking relief from the court under the FDCPA from the third party interlopers.
5. Affiant/ Plaintiff states that he has never had any contractual agreement with Bank of America, N.A. and Recontrust Company, N.A.
6. That Affiant/ Plaintiff who is not trained counsel was unaware of the kinds of tactics that can be employed by trained counsel such as that which has taken place in the instant matter.

1 7. That Affiant/ Plaintiff did not know or realize that Ms. Farrell would misstate
2 the contents of her own Exhibit D.

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4 8. That Affiant/ Plaintiff was shocked to discover the fact that Ms. Farrell
5 appears to have misled this honorable court.

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7 9. That Affiant/ Plaintiff was further shock to learn that Ms. Farrell was an
8 extern thus some sort of protégé of the Honorable Judge Michal M. Anello.


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10 10. That Affiant/ Plaintiff has been informed, further believes and thus alleges
11 that if a conflict of interest does exist between Ms. Farrell and Judge Michal
12 M. Anello, such conflict should have been disclosed in the beginning.

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14 11. That in light of the foregoing, plaintiff firmly believes that a miscarriage of
15 justice has taken place in the instant matter as reflected in the law, facts and
16 evidence contained in the record of this case.

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19 **VERIFICATION**

20 I hereby verify and affirm that I prepared and have read this Affidavit and that I
21 believe the foregoing statements in this Affidavit to be true and correct. I hereby
22 further affirm that the basis of these beliefs is my own direct knowledge of the
23 statements described herein.
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27 Signed in San Diego, California
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Julio Mayen, Affiant/Plaintiff

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

On this day personally came before me the above-named Plaintiff, who proved ^{his} ~~her~~ identity to me to my satisfaction, and ~~she~~ acknowledged ~~her~~ signature on this Affidavit in my presence and stated that she did so with full understanding that ~~she~~ ^{he} was subject to the penalties of perjury.

Name of Notary Mary C. Dinsdale

Signature of notary Mary C. Dunsdale

